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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,514	10/04/2001	Akira Takahashi	P/3486-9	1349

7590 09/03/2004

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EXAMINER

PERVEEN, REHANA

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/970,514	Applicant(s) TAKAHASHI ET AL.	
	Examiner Rehana Perveen	Art Unit 2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Haitani et al, Patent No. 6,448,988.

Haitani teaches a predetermined switch for instructing a system power source to be turned on and a program to be executed (col. 3 lines 24-30), a power switch for instructing the system power source to be turned on, status memory for detecting the depression of the predetermined switch to store a status signal indicative of the detection result, a mask circuit for outputting an ON signal in a state that the system power source is turned off and no ON signal in a state that the system power source is turned on in response to the depression of the predetermined switch (col. 3 lines 1-63), a power control circuit for turning on the system power source in response to an operation of the power switch and the ON signal (col. 3 lines 30-39), a processor which

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operates by using the system power source for accessing the status signal stored in the status memory in response to the start of the supply of power from the system power source so as to start up a predetermined program when the status signal indicates the predetermined switch has been operated (col. 3 lines 30-39), and a controller which operates by using the system power source for detecting the depression of the predetermined switch to output a signal for instructing the processor to start up the predetermined program, whereby making it possible to turn on the system power source and start up the predetermined program in response to the operation of the predetermined switch (col. 2 line 50 – col. 3 line 63).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga, Patent No. 6,625,738, in view of Haitani et al, Patent No. 6,448,988.

Shiga was cited as prior art in the previous office action.

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As to claims 1, 5, and 6, Shiga teaches a predetermined switch for instructing a system power source to be turned on (col. 2 lines 42-49 and col. 6 lines 35-41) and a program to be executed (col. 7 lines 30-35), a power switch for instructing the system power source to be turned on (power supply switch 5A, figure 1, col. 2 lines 31-34), status memory for detecting the depression of the predetermined switch to store a status signal indicative of the detection result (wake-up means 3, figure 1), a mask circuit for outputting an ON signal in a state that the system power source is turned off and no ON signal in a state that the system power source is turned on in response to the depression of the predetermined switch (col. 6 line 35 – col. 7 line 30), a power control circuit for turning on the system power source in response to an operation of the power switch and the ON signal (col. 6 line 59 – col. 7 line 35), a processor which operates by using the system power source for accessing the status signal stored in the status memory in response to the start of the supply of power from the system power source so as to start up a predetermined program when the status signal indicates the predetermined switch has been operated (col. 7 lines 13-35), and a controller which operates by using the system power source for detecting the depression of the predetermined switch to output a signal for instructing the processor to start up the predetermined program, whereby making it possible to turn on the system power source and start up the predetermined program in response to the operation of the predetermined switch (col. 7 lines 13-35).

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However, Shiga does not expressly teach the predetermined program being a predetermined application program.

Haitani et al teach a predetermined switch for instructing a system power source to be turned on and a predetermined application program to be executed (col. 2 line 50 – col. 3 lines 63).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Shiga and Haitani et al because both are commonly directed to shortcut initialization environment, and Haitani et al's depression of a single switch to turn-on the power and start-up a predetermined application program, when incorporated into Shiga's system, would have enabled Shiga to achieve further efficiency and throughput in the overall system.

As to claim 2, Shiga teaches the predetermined switch outputs a signal with a predetermined level by the operation and the status memory stores the status signal indicating the level of the signal output by the predetermined switch at the time when power supply from the system power source is started (col. 10 lines 18-24).

As to claim 3, Haitani et al teach the controller comprising a switch circuit which operates by using the system power source for detecting the depression of the predetermined switch to output a predetermined switch operation signal, and a

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keyboard controller for detecting the switch operation signal to output an interrupt signal for instructing the processor to start up the predetermined application program (col. 3 lines 1-63).

As to claims 4 and 7, Shiga teaches the processor clears the content stored in the status memory after starting up the predetermined program (col. 3 lines 57-63).

As to claim 8, Haitani et al teach the processor starts up the predetermined application when a predetermined key is depressed for a time period over which the system power source is turned on (col. 2 line 58 - col. 3 line 45).

As to claim 9, Shiga teaches the power control circuit detects the depression state of the predetermined key to turn on the system power source by supplying a trigger signal to a power circuit when detecting the depression of the corresponding specific key (col. 7 lines 9-35 and col. 10 lines 18-24).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen  
Primary Patent Examiner  
Technology Center 2100